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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

MONICA EMELDI,  
  
Plaintiff,

v.

UNIVERSITY OF OREGON, an Agency and  
Instrumentality of the State of Oregon,  
  
Defendant.

Case No. 6:08-6346-HO

**AFFIDAVIT OF ROBERT HORNER IN  
SUPPORT OF MOTION FOR SUMMARY  
JUDGMENT**

STATE OF OREGON            )  
                                  ) ss.  
County of Lane            )

I, Robert Horner, being duly sworn, depose and state:

1. I am the Alumni-Knight Professor of Special Education at the College of Education of the University of Oregon. I received my B.A. from Stanford University in 1971, my M.S. from Washington State University in 1975, and my Ph.D. from the University of Oregon in 1978.

2. When Dr. Edward Kame'enui took a leave of absence from the University in 2005, I agreed to become Monica Emeldi's doctoral program chair. For some time, Ms. Emeldi made satisfactory progress towards her degree. Her doctoral program was accepted by her doctoral program committee, and she completed the concept paper and requirements necessary for advancement to candidacy. At this point Ms. Emeldi asked me to also serve as the chair of her dissertation committee. Ms. Emeldi developed a dissertation proposal but was dissatisfied with my critiques about the scope and substance of her proposal. In my judgment Ms. Emeldi's dissertation proposal was insufficiently developed to allow presentation to a dissertation committee. The conceptual foundation was not established, and her methodology would not have met the standards for a doctoral dissertation. I pointed these and other issues out to her in a memo I wrote to her on September 7, 2009, which is Emeldi dep. Exh. 25. I informed her that she was not yet ready to call her dissertation committee together because her proposal was not yet functional.

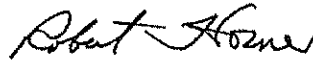
3. Ms. Emeldi did not respond well to this. In fact, she resisted my suggestions, and went to University administration complaining that I was an obstacle to her progress. She also cancelled a meeting with me on November 19, 2007 scheduled to discuss her dissertation. I then received a memo from Ms. Emeldi informing me that she perceived me as a barrier to her professional development. I therefore resigned as the chair of her dissertation committee, but offered to continue as chair of her doctoral program committee unless she wished to select an alternative. I understand that there is concern that I advocated converting Ms. Emeldi's program goal from a Ph.D. to an Ed.D. I have no recollection of this recommendation, have performed no actions related to such a recommendation, and the program goal for a student is established through an active request from the student, not the program chair.

4. I understand that, in April 2007, Ms. Emeldi was the scribe for a group of graduate students who submitted a short memo on issues they saw in the College of Education to Dean Michael Bullis. I did not know about that memorandum at the time. I did not know about

it when I resigned as Ms. Emeldi's dissertation chair. I learned of the existence of this memo in a telephone conversation with Dean Bullis and only in the course of becoming familiar with this litigation, learned about the content of the document, which is Emeldi dep. Exh. 18. I have never considered this document with regard to any action I have taken regarding Ms. Emeldi.

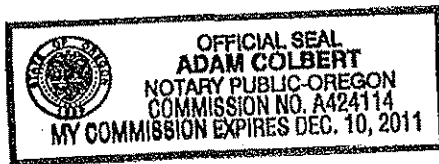
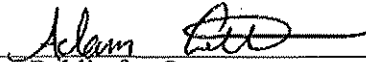
5. After I resigned as chair of Ms. Emeldi's doctoral committee, I continued to extend to Ms. Emeldi an invitation to participate in a workgroup for the paper "School-wide Social Behavioral Climate, Student Problem Behavior, and Related Administrative Decisions: Empirical Patterns from 1,510 Schools Nationwide." This article is to be published shortly by the *Journal of Positive Behavior Support*. It will list as authors Scott A. Spaulding, Larry K. Irvin, Robert H. Horner, Seth L. May, Monica Emeldi, and Tary J. Tobin of the University of Oregon, and George Sugai, of the University of Connecticut.

DATED this 18<sup>th</sup> day of February, 2010.



Robert H. Horner, Ph.D.  
Professor, University of Oregon

SUBSCRIBED AND SWORN to before me this 18 day of February, 2010.

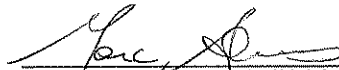
Notary Public for Oregon  
My Commission Expires: Dec 10, 2011

### CERTIFICATE OF SERVICE

I certify that on February 23, 2010, I served the foregoing AFFIDAVIT OF ROBERT HORNER IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT upon the parties hereto by the method indicated below, and addressed to the following:

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Of Attorneys for Plaintiff

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